

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In Re:	§	
	§	
WAVE ENERGY, INC.,	§	CASE NO. 09-34577-H2-11
	§	
Debtor.	§	Chapter 11

In Re:	§	
	§	
JAMES A. WHITSON, JR. d/b/a	§	CASE NO. 09-34979-H2-7
JAMES A. WHITSON, JR. OIL	§	
OPERATORS,	§	Chapter 7
	§	
Debtor.	§	

**ORDER GRANTING WAVE TRUSTEE'S MOTION TO EXCLUDE AND
OBJECTIONS TO EXPERT TESTIMONY OF JAMES A. WHITSON JR.**

CAME ON for consideration Robert E. Ogle's, Liquidating Trustee (the "Wave Trustee") of the Wave Energy Liquidating Trust, Motion to Exclude and Objections to Expert Testimony of James A. Whitson, Jr. ("Motion to Exclude"); and the Court determines that the Motion to Exclude has merit and should be granted.

It is therefore, ORDERED:

1. The Motion to Exclude is granted, and capitalized terms not otherwise defined herein shall have the meaning given to such terms in the Motion to Exclude;
2. The Whitson Trustee's Designation of Whitson as an expert is hereby stricken;
3. All of the Wave Trustee's objections, as asserted in the Motion to Exclude, to Whitson testifying as an expert to the First Conclusion, the Second Conclusion, and the Third Conclusion are sustained;

4. The Whitson Trustee's objection, as asserted in the Motion to Exclude, to the qualification of Whitson to testify as an expert is sustained; and

5. Whitson may not testify as an expert in the "Whitson Issues" litigation as such term is defined in the Case Management and Scheduling Order for the "Whitson Issues" and Setting Rule 7016 Conference entered June 4, 2010 at Docket # 397 in the Wave Energy, Inc. bankruptcy case (Case No. 09-34577) and Docket # 152 in the James A. Whitson, Jr. bankruptcy case (Case No. 09-34979).

Dated: _____

UNITED STATES BANKRUPTCY JUDGE